

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DIAMOND RESORTS U.S. COLLECTION
DEVELOPMENT, LLC, a Delaware Limited
Liability Company,

Plaintiff,

vs.

REED HEIN & ASSOCIATES, LLC d/b/a
TIMESHARE EXIT TEAM, a Washington
Limited Liability Company, *et al.*

Defendants.

2:17-cv-03007-APG-VCF

ORDER

MOTION FOR CLARIFICATION [ECF NO. 454];
DISCOVERY PLAN AND SCHEDULING ORDER [ECF
NO. 455]; PLAINTIFF'S MOTION FOR ADOPTION OF
SPOILATION DISCOVERY PLAN [ECF NO. 456]

At the August 2, 2021 hearing I ordered the parties to file a discovery schedule regarding video webinar recordings. (ECF No. 447). I have reviewed the defendant's motion for clarification (ECF No. 454) and the parties' competing discovery plans: the defendant's discovery plan and scheduling order (ECF No. 455) and plaintiff's motion for adoption of spoliation discovery plan. (ECF No. 456).

Good cause appearing,

I HEREBY ORDER:

1. The defendant's motion for clarification (ECF No. 454) and the parties' competing discovery plans: the defendant's discovery plan and scheduling order (ECF No. 455) and plaintiff's motion for adoption of spoliation discovery plan (ECF No. 456) are all GRANTED AND DENIED IN PART, as detailed in this order.

2. The scope of discovery will be to ascertain if the webinar video recordings exist or existed and, if so, to determine what happened to them.

3. If the defendant locates webinar video recordings it must produce them, if they were

attended by one or more to the 366 identified owners, including audio, without any limitation based on when the video presentations occurred or were recorded.

4. Diamond may take written discovery relating to defendant's record keeping practices and technology infrastructure to determine if recordings were made and if they no longer exist, what happened to them. The deadline for TET to respond to interrogatories and complete production of documents related to its record keeping and technology infrastructure is September 27, 2021.

5. Plaintiff must serve the notices of the deposition of TET's FRCP 30(b)(6) representative and Chasity Porter before October 18, 2021.

4. The parties must complete the FRCP 30(b)(6) deposition and the Chasity Porter deposition by November 2, 2021.

5. The parties must complete the two third party depositions and close the video recording discovery by November 16, 2021.

DATED this 26th day of August 2021.

Cam Ferenbach
CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE